
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
October 11, 2001
McGuire's Resort, Cadillac, Michigan

MCOLES/MJTC MEMBERS PRESENT:

Mr. James DeVries, representing the Police Officers Association of Michigan
Mr. William Dennis, representing the Attorney General's Office
Mr. Kenneth Grabowski, representing the Police Officers Association of Michigan
Mr. Jack Brown, representing the Fraternal Order of Police
Sheriff Henry Zavislak, representing the Michigan Sheriffs' Association
Chief Richard Butler, representing the Michigan Association of Chiefs of Police
Mr. F. Martin Tieber, representing the Criminal Defense Attorneys of Michigan
Sheriff Gary Rosema, representing the Michigan Sheriffs' Association
Major Marie Waalkes, representing the Michigan State Police
Director Robert Denslow, representing the Michigan Association of Chiefs of Police
Officer Richard Weaver, representing the Detroit Police Officers Association
Sgt. Michael Herendeen, representing the Michigan State Police Troopers Association

MJTC MEMBERS REPRESENTED:

Sheriff John Sonntag, of the Michigan Sheriffs' Association, representing Sheriff Gene Wriggelsworth

MCOLES/MJTC MEMBERS EXCUSED:

Sheriff Tom Edmonds, representing the Michigan Sheriffs' Association
Sgt. Charles Powell, representing the Detroit Police Department
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Chief Michael Madden, representing the Michigan Association of Chiefs of Police

COMMISSION STAFF PRESENT:

Mr. Raymond Beach	Mr. William Nash
Mr. Dale Rothenberger	Ms. Hermina Kramp
Ms. Maggie Edwards	Mr. Gary Ruffini
Ms. Theresa Hart	Ms. Cheryl Hartwell

GUESTS:

Professor Skip Lawver, Eastern Michigan University
D/Lt. David DeForest, MATAI
Mr. Dan Lee, Michigan State University, Traffic Safety Center
Chief Jack Biggar, Gerrish Township Police Department
Mr. Mark Meadows, Attorney General's Office

CALL TO ORDER:

The Commission Meeting was called to order by Chairman Richard Butler at 9:40 a.m. at McGuire's Resort in Cadillac, Michigan.

INTRODUCTIONS:

Chairman Richard Butler welcomed everyone to the Commission meeting and asked that all in attendance introduce themselves.

PUBLIC FORUM/COMMENTS:

Mr. Dan Lee of the Michigan State University (MSU) Traffic Safety Center addressed the Commission, and explained that the university has developed 22 levels of accident investigation training. In addition, there is a series of computer software programs that MSU offers in this subject area. MSU is pleased to be able to offer Rectec, an accident reconstruction program that is considered one of the best available, at a special price to Michigan agencies, in cooperation with the vendor. The cost would be \$2,500, plus \$100 annually for updates, per workstation. This program is very beneficial in the accident reconstruction field, and a very effective package. MSU, working with the developer of the program, offered to license the State of Michigan for \$150,000 for unlimited workstations. Last week, the developer has reduced that price to \$67,500, with an additional \$1,000 per year for updates. If 300 agencies accept this, it would equal out to \$225 each for a program that currently retails for \$2,500. This is an excellent opportunity, and the offer is only open until January 1, 2002. Mr. Lee asked the Commission if there is any way to put something together to come up with two cost figures – one for the department software package, and one for the MSU 5-day training program. Officers who have previous accident reconstruction training would probably be able to waive 2 days of the training program. The cost for the MSU portion is estimated at between \$80-\$100 per day. Mr. Lee reminded the COLES/MJTC members of the difficulty officers face testifying in court against a defense attorney's expert witnesses that have access to these programs. Chief Richard Butler deferred the discussion to Mr. Lee and Mr. Beach on how to come up with the funding.

AGENDA ITEMS:

Mr. Marty Tieber, speaking for the MJTC, and Chairman Richard Butler, speaking for the MCOLES, reviewed the agenda items for the audience. They were as follows:

- MJTC
 - ◆ Appeal of Denial for Grant Adjustment Request from Eastern Michigan University – Law Enforcement Executive Forum Grant
 - ◆ Grant Adjustment Requests
 - ◆ Special Use Requests
- MCOLES
 - ◆ Pre-employment Test Development – Physical Fitness Exam
 - ◆ MCOLES Information Technology Network (MITN) Project Update
 - ◆ Proposal to Adopt Code of Ethics
 - ◆ Certification Exam Pass Rate Comparison by Academy
 - ◆ Decertification Investigations – Final Action and Order

Mr. Tieber thanked everyone for the honor of chairing the last MJTC meeting.

ADDITIONS TO THE AGENDA:

Director Robert Denslow moved that Senate Bill 677 be added for discussion.

ACCEPTANCE OF THE AUGUST 22-23, 2001, MCOLES MEETING MINUTES AND ACCEPTANCE OF THE SEPTEMBER 13, 2001 MJTC MEETING MINUTES:

A **MOTION** was made by Sheriff Hank Zavislak and supported by Mr. Jack Brown to accept the minutes of the August 22-23, 2001, Commission Meeting, as written.

A **VOTE** was taken. The **MOTION** carried.

A **MOTION** was made by Major Marie Waalkes and supported by Mr. Ken Grabowski to accept the minutes of the September 13, 2001, Justice Training Commission Meeting, as written.

A **VOTE** was taken. The **MOTION** carried.

CHAIRMAN'S REPORT:

Chairman Richard Butler commented that it was an historic occasion, as it was the last meeting of the two separate Commissions. The next meeting will be composed of the new members of the joint Commission. Chairman Butler is hopeful that good things will come out of this process, and grateful for the effort of all members during this process.

Mr. Marty Tieber thanked all the individuals who were not present, and reminded the audience that the new Commission's membership is still not determined. Mr. Tieber thanked all present for their hard work in preparing for the merger.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Raymond Beach reported to the Commission on the following issues:

CCW Update – Mr. Beach stated that the MCOLES have certified 32 gun safety programs with over 65 instructors. This number includes 17 sheriff's departments, 8 local agencies, and 7 regional training academies. There has been great interest in the issue of the training of reserves and auxiliaries, and staff is working very closely with the law enforcement community on this issue. Interest in the program was initially very high, and staff devoted a lot of time to answering questions. The inquiries received on a daily basis focused primarily on certification and general CCW questions. The NRA has been following closely MCOLES' efforts to produce a legal video that will compliment the pistol safety course, and there has been discussions that the NRA will utilize the video when completed and drop their requirement that an attorney teach that portion of the course.

Legislative Update – Mr. Beach discussed Senate Bill 133, which is the Criminal Justice Information Systems Policy Council Amendment, which governs LEIN. Issues have arisen recently about the misuse of LEIN by law enforcement personnel, and MCOLES has the responsibility for sanctioning individuals who are found to be involved in improper disclosure of non-public information obtained from LEIN. SB 133 addresses this issue, by empowering the Policy Council to take action themselves against any

individuals involved in personal use or disclosure of any information obtained from LEIN. Staff is working with the Policy Council on the issue.

Mr. Beach also brought up SB 677, which involves the secondary road patrol. The bill proposes that there be a \$5.00 increase in fines, with the money going to the secondary patrol to replace current general fund money. Since this item was added to the agenda, Mr. Beach deferred reporting until the appropriate time.

Budget Reductions– Staff is addressing current year budget reductions, which could reach as high as 10%. A 10% cut in the MCOLES general fund budget is \$184,860. This will have a potentially devastating impact on MCOLES carrying out its mandatory responsibilities, given the current unfunded needs of approximately \$750,000.

MCOLES/MJTC Consolidation – Since the Executive Order was issued, Mr. Beach has been working closely with the entities that comprise the new MCOLES commission. On September 25, 2001, all the letters of appointment were delivered to the governor's office. It is anticipated that appointments will be made no later than October 19th. Commissioners were given a transition meeting schedule to address the effective date of the new commission on November 1, 2001, while also ensuring the services and responsibilities continue to be fulfilled in a seamless manner. On November 5-6, 2001, a meeting is scheduled with Dr. Lew Bender, who will facilitate the choosing of the leadership, the organizational structure, the meeting schedule, and the selection of an Executive Director. Mr. Tieber expressed concerns regarding timeliness of the appointments, and Mr. Beach stated that the Governor's office stressed the appointments would be completed no later than the week of October 15-19, 2001. Mr. Beach asked the Executive Committee to participate in a panel discussion at the Training Directors conference on October 18, 2001. All Commission members were invited to attend the conference, which will be held October 17-19, 2001, in Gaylord.

New Training Director - After nine months, the regional training academy at Delta Community College has selected a new training director, Mr. Steve Schrumpf. Director Schrumpf retired from the Meridian Township Police Department. Staff has begun working with the director in his transition at the college.

External Contacts – On August 31, 2001, staff participated at the Police Officers Labor Council Conference on a panel that addressed LEIN disclosures and MCOLES responsibilities. On October 2, 2001, staff participated in the Michigan State Police Troopers Association quarterly meeting, providing MCOLES updates as well as discussing the impending merger and its impact. On October 14-16, 2001, staff will participate in the Michigan Sheriff's Association conference by exhibiting, and also by participating in a panel discussion of CCW issues on October 16, 2001.

Staff Additions – On a positive note, the staff position vacated by Ms. Katie Bower's resignation was filled by Dr. Richard Smith of the Michigan State Police Behavioral Sciences Section. Dr. Smith is a former police officer as well as a very respected member of the law enforcement community. Dr. Smith will begin his new position on January 7, 2002, but will participate in our transition effective immediately.

MCOLES Terrorism Strategy - MCOLES can take a leadership role on the issues of training and policy in regard to terrorism strategy and security. There will be a focus discussion at the Training Directors conference to address the immediate basic training needs. There will be more discussion and information on this issue at future meetings.

COMMITTEE REPORTS:

There were no Committee reports.

OLD MJTC BUSINESS:

Appeal of Denial for Grant Adjustment Request from Eastern Michigan University – Mr. Marty Tieber stated that the grant adjustment request had been denied due to a shift in 4 of the 7 topic areas, and that this constituted more of a rewriting of the grant. Professor Skip Lawver stated that Charlene Warner wrote the grant and that the topics may have changed but not the modules. The International Association of Chiefs of Police Magazine listed 7 topics of critical interest for law enforcement, which Professor Lawver used in updating the program. Professor Lawver feels that the themes stayed the same, but the topics and people changed. It was also pointed out that the Commission was unable to act on this until September, and that contracts had already been signed with instructors and the program had begun. Mr. Ken Grabowski explained that the grant adjustment was originally denied because it appeared to be more of a re-writing of the grant. Professor Lawver said that the grant had been written a year earlier and the topic needs changed in the period of time for approval, and 15% of Michigan law enforcement will be affected by this training. There was discussion on the changing of topics, and how grant approval depends on the topics presented, and shifting topics undermines the grant process.

A **MOTION** was made by Mr. Ken Grabowski and supported by Major Marie Waalkes to approve the grant adjustment request as written.

A **VOTE** was taken. The **MOTION** carried.

OLD MCOLES BUSINESS:

Pre-employment Test Development – Physical Fitness Exam – Mr. Dale Rothenberger reported on the status of collecting data on the new physical fitness exam. There are 4 items on the new test: push-ups, sit-ups, vertical jump, and shuttle run. The first academy participating in the pilot testing will be completed soon, and the post-training data will be compared to the entry data.

MITN Update – Ms. Hermina Kramp reported that the awarded contract for the Michigan Information Technology Network was finalized. Ms. Kramp thanked both Commissions, the Department of State Police, and Mr. Ray Beach for their efforts behind the scenes in getting to this point. The system is now on an aggressive timeline, and is currently running ahead of schedule. Ms. Kramp ran a PowerPoint display that showed the entry screens for the new system and answered questions. Mr. Beach stated that it was a significant accomplishment that will allow MCOLES to move forward in a more user-friendly mode, and he thanked Ms. Kramp for putting MCOLES in a leadership role.

COMMISSION ATTORNEY REPORT:

Mr. Mark Meadows reported to the Commission on Todd Motuelle's lawsuit against staff. A motion for summary judgement was filed and will be heard on November 12, 2001. Joseph Melville has filed a motion for administrative appeal, and there is a pending motion to be heard on October 12, 2001. This motion is not expected to be granted. Mr. Meadows has met with the Opinion Review Board, which is considering the opinion on other organizations. This opinion should come within a month. The Administrative Rules committee is working on the revision of the rules. A draft will hopefully be ready in December.

MJTC NEW BUSINESS:

Grant Adjustment Requests– Grand Traverse County Sheriff's Regional Training has requested an adjustment. After losing a few instructors, it is necessary to shift \$855 from supplies to contractual services in order to fill in, and reduce the fall minimum operating number from 18 to 17 because that is the sign-up.

A **MOTION** was made by Major Marie Waalkes and supported by Director Robert Denslow to approve the request.

A **VOTE** was taken. The **MOTION** carried.

Michigan State University Police Traffic Accident Investigation has requested a grant extension from December 31, 2001, to June 30, 2002; increase classroom rental from

\$500 to \$1850; and transfer \$3,000 from Dr. Lee's salary to pay the part-time instructors who filled in while Dr. Lee was hospitalized.

A **MOTION** was made by Mr. Ken Grabowski and supported by Major Marie Waalkes to approve the request.

A **VOTE** was taken. The **MOTION** carried.

Special Use Requests

Host Out-of-State Vendor – A **MOTION** was made by Mr. Ken Grabowski and supported by Major Marie Waalkes to approve the following request:

1. South Haven Police Department for Van Meter and Associates, Crime Scene Investigation (South Haven, MI), November 8, 2001, \$115 per trainee, \$105 per trainee for 2 or more (2894).

A **VOTE** was taken. The **MOTION** carried.

Out-of-State Vendor – A **MOTION** was made by Mr. Ken Grabowski and supported by Director Robert Denslow to approve the following requests with staff recommendations:

2. Detroit Police Department for Cross Country Seminars, Inc., Anger Management (Detroit, MI), November 8, 2001, \$140 per trainee (2899).
3. Detroit Police Department for Council on Education in Management, Mock Sexual Harassment Investigation Workshop (Novi, MI), December 4, 2001, \$299 per trainee (2900).
4. Detroit Police Department for Council on Education in Management, Untangling the FMLA, AMA, and Workers' Comp Overlap (Novi, MI), November 9, 2001, \$299 per trainee (2901).
5. Detroit Police Department for Pryor Resources, Inc., Training the Trainer (Detroit, MI), November 1, 2001, \$100 per trainee.
6. Detroit Police Department for Lessons in Leadership, New Leadership Challenge (Detroit, MI), November 7, 2001, \$249 per trainee.

A **VOTE** was taken. The **MOTION** carried.

Out-of-State Training – A **MOTION** was made by Major Marie Waalkes and supported by Mr. Ken Grabowski to approve the following requests consistent with staff recommendations:

7. Detroit Police Department to Dallas, TX (December 1-4, 2001), \$2,149.00 for United States Department of Justice, Crime Mapping Research Conference (2904).
8. Detroit Police Department to Baltimore, MD (November 5-9, 2001), \$1,045.25 for MD Institute of Criminal Justice, Polygraph Testing of Criminal Sex Offenders (2905).
9. Detroit Police Department to Jacksonville, FL (November 5-9, 2001), \$3,266.00 to the Institute of Police Technology and Management, Computer Crime Investigation (2906).
10. Detroit Police Department to Evanston, IL (November 5-9, 2001), \$2,946.00 for Northwestern University Traffic Institute, Basic Financial Crime Investigation (2907).
11. Detroit Police Department to Las Vegas, NV (November 13-15, 2001), \$2,218.00 for Advanced Law Enforcement Readiness Training, Court Security Seminar (2908).
12. New Baltimore Police Department to Toledo, OH (October 1-2, 2001), \$763.00 for Public Agency Training Council, Drug Recognition and Investigation in Schools (2893).
13. Traverse City Police Department to Evanston, IL (April 29-May 3, 2002), \$1,447.50 for Northwestern University Traffic Institute, Crime Scene Technology I (2909).
14. Traverse City Police Department to Evanston, IL (May 6-10, 2002), \$1,497.50 for Northwestern University Traffic Institute, Crime Scene Technology II (2910).
15. Wayne County Sheriff's Office to Kansas City, MO (October 17-20, 2001), \$7,205.50 to Kansas Black Police Officers Association, 2001 Fall Educational Conference.

A **VOTE** was taken. The **MOTION** carried.

MCOLES NEW BUSINESS:

Police Ethics – Mr. Ray Beach discussed the presentation of Captain Jeff Mincheff at the last MCOLES meeting in Marquette on the issue of adopting a formal code of ethics. Staff was assigned to look into this issue. The standard of good moral character is embedded in the examination of a code of ethics. After investigation, staff has found no specific time that the Commission disseminated the code of ethics as a specific code of behavior, although the Commission does have a strong history of supporting such a code. Mr. Beach summarized several events in Commission history that support this position, and stated that it was important to maintain that this standard for all of law enforcement.

Staff recommends that the Commission position on a code of ethics be reaffirmed and that this position be promulgated.

A **MOTION** was made by Mr. Jack Brown and supported by Sheriff Hank Zavislak to concur with the recommendation, substituting “adopt” for “continue to promulgate” and “requires” for “encourages”.

A **VOTE** was taken. The **MOTION** carried.

Certification Pass Rate by Academy – Mr. Dale Rothenberger addressed the Commission on the issue of publishing the pass rates of the certification exam by academy. Many other post commissions routinely publish this information, and Senator Van Regenmorter's office has requested this information, as well as the training directors. Staff has put together a prototype, which will be presented at the Training Director's Conference on October 17-19, 2001. The initial sample was quite detailed, but after consultation with staff's testing experts, the information was scaled back in order that it not be subjected to over-interpretation and abuse. The preliminary report was created using data from two 6-month periods, showing the pass rate for each academy on both the first and second attempts. Mr. Rothenberger pointed out that this data has limited use, as this is a group of motivated candidates who have studied hard, demonstrated competency in the skills exams, trained to the objectives tested on, and willing to work towards their goals. Also, pass rates listed as a percentage can be deceptive, as a school with 200 students who have 20 fail will have a much better pass rate than a school with 5 students who has 1 failure.

Mr. Jim DeVries commented that it would be more accurate to forget about the percentages and just display the numbers of pass and fail. Sheriff Hank Zavislak suggested a column showing a rate of passes per 100 students, as a tool for college administrators and others who need that information. Mr. Ray Beach stated that this project would be back before the new MCOLES at the November 8th meeting for final review.

Decertifications and Investigations Report – Final Action and Order – Mr. Gary Ruffini reported on case number 001619, Chris Cabanillas v. MCOLES. A staff investigation concluded that Mr. Cabanillas was improperly enrolled in an academy in August of 1999 as an inservice candidate. Mr. Cabanillas refused the offer of resolution in this matter, and a contested case was held on July 23, 2001. The Hearings Officer wrote his “Proposal for Decision” on August 20, 2001, and this document is included in the official record of the case, which each Commission member received in late September. An Exception to the Opinion and Decision was received by staff on September 25, 2001. Staff recommends that the findings of fact and conclusions of law made by Hearings

Officer Mr. Haywood Julian is correct and that Mr. Julian's "Proposal for Decision" be adopted as written as the Commission's "Final Decision and Order".

A **MOTION** was made by Mr. Jack Brown and supported by Major Marie Waalkes to concur with the staff recommendation.

A **VOTE** was taken. The **MOTION** carried.

Mr. Bill Nash reported on the status of investigations. As of October 1, 2001, there were 405 complaints filed with the Commission, with 166 investigations completed, leaving 239 to be investigated. The effect of the increase of numbers of field representatives is beginning to be felt, as old cases are being cleared. Staff is working to prepare a new reporting format, and this will be presented to the Commission at the next meeting.

ADDITIONS TO THE AGENDA:

Director Robert Denslow discussed Senate Bill 677, which would increase the fines assessed an additional \$5 for the secondary road patrol. The Michigan Association of Chiefs of Police (MACP) has written a position paper, which Director Denslow distributed. MACP opposes SB 677 as written, because there would be no benefit to cities, townships, and other agencies who write tickets but do not have secondary road patrols. The recommendation of the MACP is that the increased fines go to MCOLES in order to more fully fund the organization. Director Denslow suggested that the MACP and the Michigan Sheriff's Association (MSA) get together to discuss this further, and also to call Tom Hendrickson and Terry Jungel to see if there is some way to use the money for all agencies. Senator Hoffman had put a modest increase for the secondary road patrol in this 2002 budget, and after passing the House and the Senate, it was line-item vetoed by Governor Engler. This bill is another way of attempting to provide that funding.

Chairman Richard Butler spoke on how fortunate he was to have been appointed to the Commission in 1995, and how disappointed he was to be leaving. Chairman Butler thanked the MACP for giving him the opportunity to serve, staff for being so supportive, and all the Commissioners for the opportunity to work with them.

MISCELLANEOUS:

There were no miscellaneous items.

NEXT MEETING:

DATE: November 8, 2001
TIME: 9:30 a.m.
LOCATION: Lansing, Michigan

This will be the first scheduled meeting of the new Michigan Commission on Law Enforcement Standards.

ADJOURNMENT:

A **MOTION** was made by Sheriff Henry Zavislak and supported by Officer Rich Weaver to adjourn the meeting at 11:50 a.m.

A **VOTE** was taken. The **MOTION** carried.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____